

Notice of Allowability

Application No.

09/975,761

Applicant(s)

CASTER ET AL.

Examiner

Art Unit

Geoffrey L. Knable

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE/response filed 6-14-05.
2. ☒ The allowed claim(s) is/are 1-5,7-12,14,15,17,18 and 20-43.
3. ☒ The drawings filed on 11 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6-14-2005 (to be read together with the replies filed 2-28-2005), has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Edward F. Murphy, III on June 23, 2005.

The application has been amended as follows:

In the specification:

At page 5, line 8 of the specification, "Figure 5 depicts" has been changed to --Figures 5 and 5A depict--.

In the claims:

Claim 12 has been amended as follows:

12. (currently amended) A method according to claim [[6]] 1 wherein the bonding in step (c) occurs within one hour.

Summary of above-noted June 23, 2005 Interview: Agreement was reached on correcting the dependency of claim 12 (claim 6 being a canceled claim) and including Figure 5A in the Brief Description of the Drawings.

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The rejections over the closest prior art (other than rejections based upon commonly owned Tokas et al. (US 2002/0053379)) were withdrawn in the prior final office action (mailed 12-14-2004), the claims therefore being allowable thereover, for the reasons noted therein coupled with the remarks accompanying the 9-30-2004 amendment. With respect to the prior rejections based upon commonly owned Tokas et al. (US 2002/0053379)), it is first noted that in light of the remarks accompanying the 2-28-05 response entitled "Second Supplemental Reply After Final", it is agreed that the 35 USC 102(e) rejection thereover is improper and therefore is withdrawn (the claims more properly being grouped with the claims rejected under 35 USC 103(a)). In particular, it is agreed that this patent publication, although broadly suggesting mixtures, does not reasonably anticipate the claim 20 requirement for "applying a metathesizable mixture comprising a metathesizable crosslinking monomer dissolved in a principal metathesizable material;" it likewise does not reasonably disclose the following step including "initiating a metathesis polymerization and crosslinking reaction without radiation, thermal or photochemical curing energy," there being no suggestion of a

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crosslinking reaction as claimed. As to the 35 USC 103(a) rejection over Tokas et al., this patent publication is disqualified as prior art under 35 USC 103(c) in view of the statement filed 6-14-2005 (in the paper entitled "Correction to Supplemental Reply After Final"). None of the closest available prior art therefore would teach or render obvious a method as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
June 22, 2005